

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8429 of 2024

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1. Chandraket Ram son of Durga Ram, Resident of Village Newari, P.S. Taraiya, District - Saran at Chhapra, Bihar.
 2. Shakil Ahmad Razvi, son of Late Nasim Ahmad, Resident of village - Kuari, P.O. Parauna, P.S. - Amnour, District - Saran at Chhapra, Bihar.
 3. Avinash Kumar Singh, son of Ram Pratap Singh, Resident of village Narayanpur, P.O. Majhaua, District - Balia, Uttar Pradesh.

... .. Petitioner/s

Versus

1. State Of Bihar Through the Principal Secretary, Education Department, Vikas Bhawan, Government of Bihar, Bailey Road, Patna.
2. Principal Secretary, Education Department, Vikas Bhawan, Government of Bihar, Bailey Road, Patna.
3. Principal Secretary, Finance Department, Government of Bihar, Old Secretariat, Bailey Road, Patna.
4. The Director (Primary Education), Education Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
5. The District Magistrate, Saran at Chhapra.
6. The District Education Officer, Saran at Chhapra.
7. The District Program Officer (Establishment), Saran at Chhapra.
8. The Block Education Officer, Amnour, Saran at Chhapra.
9. The Block Education Officer, Taraiya, Saran at Chhapra.

... .. Respondent/s

Appearance :

For the Petitioners	:	Mr. Yashraj Bardhan, Advocate
For the State	:	Mr. Government Advocate 7

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 27-11-2024

Heard learned counsels for the parties.

2. This writ application has been filed for the following relief/s:-

“(A) For issuance of a writ in the nature of mandamus commanding respondents to extend to petitioners the benefit of regular scale of pay applicable to teachers



in primary education, to which the petitioners were eligible and were entitled in light of the fact that their appointment was made under compassionate ground under old Rules in pursuance of recommendation made by the Saran District Compassionate Appointment Committee, Saran at Chhapra and to which various similarly situated persons have already been extended the benefits whereas the respondents are discriminating with petitioners and have arbitrarily been denying the same and also in pursuance to earlier decision in the case of Vishwanath Pandey versus State of Bihar, reported in (2013) 10 SCC 545.

(B) For that appropriate writ or writs in the nature of mandamus may be issued to the respondents for grant of regular pay scale of Assistant Teacher, in terms of the judgment in case of Vishwanath Pandey versus State of Bihar and Ors. as cited above and as extended to many other similarly situated persons and in the event of regular scale of pay being extended, may further be pleased to direct for payment of differential salary from the date of appointment with all consequential benefits to the petitioner.

(C) For any other reliefs as Your Lordships may deem fit and proper in the facts and circumstances of the case.”

3. Learned counsel appearing on behalf of the petitioners submits that petitioners have already filed several representations before the respondent-Authorities but till date, the same have not been disposed of. However, learned counsel appearing on behalf of the petitioners requests for disposal of



the present writ application granting liberty to the petitioners to raise their grievances by filing fresh representation before the District Education Officer, Saran at Chhapra (Respondent No. 6) along with all the necessary documents and details in support of their claim.

4. In view of the limited nature of prayer, this writ application is disposed of with liberty to the petitioners to file fresh representation before the District Education Officer, Saran at Chhapra (Respondent No. 6) along with all the necessary documents and details in support of their claim within a period of four weeks from today.

5. In the event the petitioners file their representation within the stipulated period, the District Education Officer, Saran at Chhapra (Respondent No. 6) shall dispose of the same, in accordance with law, after hearing the parties, by a reasoned and speaking order, preferably within a period of three months from the date of filing of the representation.

(Prabhat Kumar Singh, J)

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